STATE OF MINNESOTA
IN COURT OF APPEALS
A22-1766

In the Matter of the Welfare of the Children of: C. R. H., Parent.

Filed June 12, 2023
Affirmed
Johnson, Judge

Hennepin County District Court
File No. 27-JV-22-459

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Considered and decided by Gaïtas, Presiding Judge; Johnson, Judge; and Larson, Judge.

NONPRECEDENTIAL OPINION

JOHNSON, Judge

The district court terminated a woman's parental rights to six children. We conclude that the district court did not err by finding that the county made reasonable efforts to reunite her with the children. Therefore, we affirm.

FACTS

C.R.H. is the biological mother of six children who, at the time of trial, were between the ages of 6 and 17 years of age. For ease of reference, we will refer to the children as Child 1, Child 2, Child 3, Child 4, Child 5, and Child 6.

Between 2000 and 2017, C.R.H. was the subject of multiple reports to county social-service agencies in the metropolitan area. The first report was made in Hennepin County in 2000 concerning an older child who is not a subject of this appeal. In 2006, Hennepin County made a finding of maltreatment after C.R.H. refused to allow a surgery for an injury to Child 1. In 2011, C.R.H. was referred to Hennepin County after an incident of domestic violence in the presence of Child 1. In 2012, Dakota County became involved after Child 4 was born with a low birth weight. In 2013, Ramsey County placed Child 1, Child 2, Child 3, and Child 4 on a 72-hour welfare hold after C.R.H. experienced hallucinations and received emergency psychiatric care. In 2014, Hennepin County received a report of educational neglect of three of the children. Also in 2014, Hennepin County received a report that seven-year-old Child 2 had smoked cigarettes and marijuana that he found in C.R.H.'s home. In 2015, Hennepin County filed a CHIPS petition after one-year-old Child 5 was treated at a hospital for first- and second-degree burns and Child 2 was observed to have an untreated cut that required stitches.

Multiple reports in 2021 led to these court proceedings. In February 2021, Hennepin County received a report that the six children were being neglected. According to the report, C.R.H. had experienced hallucinations, and her home was in disarray, with multiple people living there, food rotting in the refrigerator, and water pooling in the basement.

C.R.H. admitted to not taking her schizophrenia medication, and she was placed on a mental-health hold. The report also indicated that C.R.H. had withdrawn the children from school, explaining that they could teach themselves without a curriculum. Hennepin County developed a case plan, which required C.R.H. to take her medication and to enroll the children in school. In May 2021, Hennepin County received a report that C.R.H. left the three younger children alone at night. Hennepin County created a safety plan for the children and referred C.R.H. to an adult rehabilitative mental-health services (ARMHS) worker. In August 2021, Hennepin County received a report that residents of a Minneapolis homeless encampment where C.R.H. lived had expressed concern for her children. According to the report, the children were seen walking through the homeless encampment unaccompanied, often with little to no clothing, and were left unattended at night. The report also stated that C.R.H.'s van, which the children sometimes occupied, was "hazardous."

In early September 2021, Hennepin County filed a CHIPS petition, in which both C.R.H. and the children's biological father were named as respondents. The district court issued an emergency protective-care order that directed the county to take custody of the six children and later ordered their out-of-home placement. The three older children moved to the home of R.M., who is the father of one of C.R.H.'s adult children, and the three younger children were placed in foster care.

In November 2021, the county referred C.R.H. to a parenting assessor. After a six-week delay, C.R.H. completed the assessment, which recommended that she complete a psychological and psychiatric assessment, attend individual therapy, complete an ARMHS

assessment, attend parenting-education classes, participate in family therapy, submit to random home-safety checks, and participate in random drug tests to show her sobriety. C.R.H. completed a psychological assessment, but the assessor indicated that C.R.H. lacked candor. The county also conducted a safety-check at C.R.H.'s apartment, but a social worker determined that the apartment was not in a condition suitable for children. C.R.H. did not submit to the random drug tests, and the record does not reveal whether she participated in parenting-education classes or family therapy sessions.

In January 2022, the district court adjudicated the children as being in need of protection or services, and the district court transferred legal custody to the county. The district court ordered C.R.H. to comply with the county's case plan, which required her to complete a psychological evaluation, psychiatric assessment, parenting assessment, chemical-use assessment, and to follow the recommendations of the evaluators and assessors. The plan also required C.R.H. to submit to random drug tests, to maintain communication with the county, to commit to meeting the children's mental, educational, and physical needs, and to find and maintain safe and suitable housing. The order also allowed supervised visitation between C.R.H. and the children.

In early March 2022, the county petitioned to terminate C.R.H.'s parental rights to the children on four statutory grounds: that C.R.H. failed to comply with her parental duties, that she is palpably unfit to be a parent, that reasonable efforts have failed to correct the conditions leading to the out-of-home placement, and that the children are neglected and in foster care. *See* Minn. Stat. § 260C.301, subd. 1(b)(2), (4), (5), (8) (2022).

In late March 2022, C.R.H. completed a psychological evaluation. The evaluator concluded that C.R.H. suffered from longstanding delusions consistent with schizophrenia and recommended that C.R.H. continue therapy, work with a provider to manage her medication, and maintain stable housing, among other things. C.R.H. also completed a chemical-use assessment, but C.R.H. gave evasive answers, and the assessor could not provide a complete recommendation. In June 2022, shortly after she completed the chemical-use assessment, C.R.H. tested positive for amphetamine and methamphetamine.

The case was tried on four days in October and November 2022. Seven witnesses, including C.R.H., testified. In December 2022, the district court filed a 36-page order in which it concluded that the county had proved each of the four statutory grounds for termination. The district court ordered the termination of all parental rights of both C.R.H. and the children's biological father. C.R.H. appeals. The children's biological father is not a party to the appeal.

DECISION

C.R.H. argues that the district court erred by granting the county's petition and terminating her parental rights. Specifically, she argues that the district court erred by finding that the county made reasonable efforts to reunite her with the children.

This court reviews an order terminating parental rights "to determine whether the district court's findings address the statutory criteria and whether the district court's findings are supported by substantial evidence and are not clearly erroneous." *In re Welfare of Children of S.E.P.*, 744 N.W.2d 381, 385 (Minn. 2008). "Parental rights are terminated only for grave and weighty reasons," *In re Welfare of M.D.O.*, 462 N.W.2d 370,

375 (Minn. 1990), but this court gives "considerable deference to the district court's decision to terminate parental rights," *S.E.P.*, 744 N.W.2d at 385.

After a CHIPS adjudication, the district court "shall ensure that reasonable efforts . . . by the social services agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time." Minn. Stat. § 260.012(a) (2022). In a proceeding to terminate parental rights, the district court "shall make specific findings . . . that reasonable efforts to finalize the permanency plan to reunify the child and the parent were made including individualized and explicit findings regarding the nature and extent of efforts made by the social services agency to rehabilitate the parent and reunite the family." Minn. Stat. § 260C.301, subd. 8(1) (2022). In making those findings, the district court "shall consider" various statutory factors. Minn. Stat. § 260.012(h) (2022). The reasonable efforts that are required of a county social-services agency depend on the facts and circumstances of the case. *See In re Children of T.A.A.*, 702 N.W.2d 703, 710 (Minn. 2005); *In re Welfare of Child of A.M.C.*, 920 N.W.2d 648, 663 (Minn. App. 2018). This court applies a clear-error standard of review to a district court's findings of the underlying facts relevant to whether a county has made the required reasonable efforts. *S.E.P.*, 744 N.W.2d at 387; *In re Welfare of Child of D.L.D.*, 865 N.W.2d 315, 321-23 (Minn. App. 2015), *rev. denied* (Minn. July 20, 2015); *see also In re Welfare of Children of J.R.B.*, 805 N.W.2d 895, 899-902 (Minn. App. 2011), *rev. denied* (Minn. Jan. 6, 2012). We apply an abuse-of-discretion standard of review to a district court's ultimate finding as to whether a county has made the required reasonable efforts. *D.L.D.*, 865 N.W.2d at 321-23 (citing *J.R.B.*, 805 N.W.2d at 899-902).

In this case, the district court made extensive findings concerning the county's efforts to reunite the children with C.R.H. The district court found that the county "exercised due diligence to prevent foster care placement and to offer services that were timely, available, relevant, and culturally appropriate for the children and family, to remedy the circumstances requiring the foster care placement and permit reunification." The district court also found that the county "developed a case plan for [C.R.H.] to address the concerns for which the case opened," which included C.R.H.'s "mental health, chemical dependency, housing instability, and educational neglect of the children." Based on that case plan, the county made referrals for several services to "address [C.R.H.'s] many needs." The district court further found that, "[d]espite the services offered, [C.R.H.] made minimal progress on her case plan." The district court found that C.R.H. used alcohol and other chemicals during the CHIPS case, that C.R.H. was "inconsistent in taking her medication," that C.R.H. "attended three therapy appointments, but did not attend any other mental health therapy appointments," and that C.R.H. "obtained housing during the case, but preferred to continue living and spending time at the encampment." The record supports the district court's findings.

C.R.H. argues that the district court erred for three specific reasons.

First, C.R.H. contends that it is "unclear" whether the county "assisted [her] in addressing her inadequacies as a homeschool education provider." The record shows that the county sought to address the children's educational needs by ensuring that they attended public schools, not by accommodating C.R.H.'s preference for what she described as homeschooling. In the spring of 2021, the county observed no evidence that C.R.H. was

actually homeschooling the children; no textbooks, educational materials, or school work were present at her home. The county prepared a case plan that required C.R.H. to re-enroll the children in public schools, and she agreed in the summer of 2021 to do so. When the children were removed from C.R.H.'s care near the beginning of the 2021-2022 academic year, all of them were significantly lagging in their educational progress: 17-year-old Child 1 performed at a fourth-grade level; Child 2 and Child 3 were significantly behind in their learning; nine-year-old Child 4 had "barely attended school"; eight-year-old Child 5 had to "start[] from scratch" in Math and English; and six-year-old Child 6 "had not attended school at all." The county ensured that the children were enrolled in public schools and helped facilitate the implementation of individual educational plans. A social worker testified that, despite inconsistent attendance, the children made educational progress since being removed from C.R.H.'s care. The county's efforts to ensure that the children are educated in a structured school setting were reasonable, and the county was not required to train C.R.H. to be an effective homeschool teacher.

Second, C.R.H. contends that it is unclear whether the county made reasonable efforts with respect to her "need for respite care, daycare, [and] after-school activities." "The nature of the services which constitute 'reasonable efforts' depends on the problem presented." *In re Welfare of S.Z.*, 547 N.W.2d 886, 892 (Minn. 1996). C.R.H. does not explain how the services she identifies would have addressed the significant issues that led to the children's out-of-home placement, which were her mental-health issues, her chemical dependency, housing instability, and educational neglect. C.R.H. also does not explain how additional services relating to respite care, daycare, and after-school activities

would have benefitted her between September 2021, when the children were removed from her home, and October 2022, when the termination case went to trial. During the first seven months of that period, C.R.H. had a right to only supervised visitation. After April 2022, when C.R.H. left a visitation center with Child 6, she had no right to visitation. The county's obligation to make reasonable efforts to reunite C.R.H. with the children does not require the county to provide daily, routine care for the children.

Third, C.R.H. contends that the county "failed to present evidence that it ever assisted [C.R.H.] in obtaining suitable clothing by offering her clothing vouchers prior to removing the children." Again, C.R.H. does not explain how the county's obtaining clothing for the children would have addressed the significant issues that led to the children's out-of-home placement. Nonetheless, the record shows that the county provided vouchers to the foster parents for purchases of clothing for the children. The county's obligation to make reasonable efforts to reunite C.R.H. with the children does not require the county to do more with respect to the children's need for clothing.

Thus, the district court did not err by finding that Hennepin County made reasonable efforts to reunite C.R.H. with the children. Therefore, the district court did not err by granting the county's petition and terminating her parental rights to the six children.

Affirmed.